

Capital Cities/ABC Inc. 77 West 66 Street New York NY 10023 (212) 456 7185



Dvora Wolff Rabino
General Attorney
Law & Regulation

October 16, 1995

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FEDERAL COMMUNICATIONS COMMISSION
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BY HAND

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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Re: ET Docket No. 94-32

Dear Mr. Caton:

On behalf of Capital Cities/ABC, Inc., transmitted herewith for filing with the Commission are an original and five copies of its Comments in Support of the Petition for Clarification and Reconsideration of the Association for Maximum Service Television, Inc. in ET Docket No. 94-32.

Please contact me if the Commission has any questions about this filing.

Respectfully submitted,

Dvora Wolff Rabino

Enclosures

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Before the
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In the Matter of)

Allocation of Spectrum Below)

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ET Docket No. 94-32

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COMMENTS OF CAPITAL CITIES/ABC, INC.
IN SUPPORT OF PETITION FOR CLARIFICATION AND RECONSIDERATION
OF THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC.

Sam Antar
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Counsel for Capital Cities/ABC, Inc.

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TO: The Commission

COMMENTS OF CAPITAL CITIES/ABC, INC.
IN SUPPORT OF PETITION FOR CLARIFICATION AND RECONSIDERATION
OF THE ASSOCIATION FOR MAXIMUM SERVICE TELEVISION, INC.

Capital Cities/ABC, Inc. ("Capital Cities/ABC"), the owner of ten television stations and of the ABC Television Network, submits these comments in response to the Petition for Clarification and Reconsideration of the Association for Maximum Service Television, Inc. ("MSTV") dated September 8, 1995.

Capital Cities/ABC has been an active participant throughout this proceeding. On June 29, 1994, we filed reply comments in support of MSTV's June 15 comments requesting that the 4660-4685 MHz spectrum, which was proposed to be freed by the government sector for private sector use, be allocated for broadcast auxiliary use and specifically for wideband advanced digital video services. On December 19, 1994, in response to a Notice of Proposed Rulemaking dated November 8, 1994, we filed joint comments with

MSTV and seven other broadcasting organizations again urging the Commission to allocate the 4660-4685 MHz band to wideband advanced digital video services and terrestrial fixed and mobile auxiliary broadcast operations. On March 21, 1995, in response to the Commission's First Report and Order and Second Notice of Proposed Rulemaking dated February 17, 1995, we again filed joint comments with the same eight other parties seeking the same result. On April 6, 1995, we filed, jointly with MSTV and other major television broadcasting entities, a Petition for Reconsideration of the Commission's First Report and Order. We now comment in support of MSTV's Petition for Reconsideration of the Commission's Second Report and Order issued August 2, 1995.

Capital Cities/ABC concurs fully with MSTV's position for all the reasons stated in MSTV's September 8 Petition for Clarification and Reconsideration and the prior Petition for Reconsideration dated April 6, 1995, to which Capital Cities/ABC and MSTV were both signators. We have submitted compelling evidence in the various stages of this proceeding that the spectrum to be reallocated from government use is urgently needed for broadcast auxiliary services, which are critically important to the public. We have also submitted compelling evidence that the 2 GHz spectrum currently used for BAS is severely congested and will become more so as the amount of network and local news coverage continues to increase and advanced television is introduced. Other proposed users of the spectrum have presented little or no evidence that their need for the spectrum is as urgent or their use as beneficial to the public.

Moreover, the proposed allocation of the 4660-4685 MHz spectrum for a wide gamut of fixed and mobile services will not permit coexistence among the proposed uses, because the 5 MHz channelization plan in the Second Report and Order is not adequate for broadcasters to transmit distribution-quality video in a terrestrial environment.

Respectfully submitted

By: *Dvora Wolff Rabino*
Sam Antar
Vice President, Law & Regulation

Dvora Wolff Rabino
General Attorney, Law & Regulation

Capital Cities/ABC, Inc.
77 West 66th Street
New York, New York 10023

Counsel for Capital Cities/ABC, Inc.

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